

**MENOMINEE TRIBAL LEGISLATURE – REGULAR
FEBRUARY 4, 2010
MENOMINEE TRIBAL OFFICE BOARD ROOM
KESHENA, WI 54135
5:00 P.M.**

MEMBERS PRESENT:

Lisa S. Waukau, Tribal Chairman
Laurie A. Boivin
Randal Chevalier
Myrna Warrington
Lynnette Miller
Eugene J. Caldwell
Kenneth A. Fish
David A. Miller
Rebecca D. Alegria

1. Call to Order – Roll Call

Chairman Lisa Waukau called the Meeting to order at 5:00 PM. Roll Call was taken with a quorum present. She welcomed everyone to the last meeting of this Legislative year. She also stated that the next meeting to be held on February 18th would be the beginning of the new Legislative/Administrative year.

2. Menominee Prayer.

Legislator Warrington requested a moment of silence in lieu of the Menominee Prayer.

3. Public Comment Period.

Tribal member, Audrey O'Kimosh requested to make a public comment regarding the tradition with the Drum.

Tribal member, Frieda Bergeon requested to make three (3) public comments regarding child abuse in our schools, Washington D. C. comments, and the FMP meetings.

Tribal member, Joanne Gauthier requested to make a public comment regarding the development of Smokey Falls.

Tribal member, Roseanna Schanandore requested to make a public comment regarding the Tribal School.

Tribal member, Angela Waukau requested to make a public comment regarding the Headstart.

Tribal member, Osborne Crowe Sr. requested to make a public comment regarding the Legislature.

4. A Proclamation - Honorable Legislator Eugene J. Caldwell.

Legislator Caldwell was honored with a Proclamation, a plaque, and an Indian blanket that his sister handmade especially just for this very special occasion in honoring him for his tenure and dedicated service as a Tribal Legislator. Vice-Chairman Laurie Boivin read the plaque into the record, and Tribal Secretary Randal Chevalier read the proclamation into the record. After the presentations, his sister was given the honor to wrap him with the special handmade Indian blanket. The Young Fire Keepers sang an honor song for his last farewell meeting.

There was a short brief break while everyone thanked Legislator Caldwell for his service to the Tribe. Mary "Tweet" Smith was given the honor to read the words on the cake. Refreshments were immediately served during the break.

Legislator Caldwell requested to say a few words to the Tribal membership and his family. He thanked the Legislator's, his family, and friends for attending this very special celebration, but was most grateful to the membership for having trust in him to re-elect him into the Legislative arena.

5. Final Approval to Ordinance No. 09-30 - Program Lease Request.

**MOTION BY REBECCA ALEGRIA FOR FINAL APPROVAL OF MENOMINEE TRIBAL LEGISLATURE
ORDINANCE NO. 09-30 PROGRAM LEASE REQUEST. (COLLEGE OF MENOMINEE NATION). SECOND WAS**

MADE BY EUGENE CALDWELL. THE MOTION CARRIED: 9 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

6. 10-Day Waiver Request(s).

There were no 10-day waiver request(s) made at this time.

7. Bid Recommendation for the Neopit Lift Station Replacements.

MOTION BY EUGENE CALDWELL TO APPROVE THE BID EVALUATION TEAM, INDIAN HEALTH SERVICE, AND USDA RECOMMENDATIONS TO AWARD THE NEOPIT LIFT STATION REPLACEMENTS PROJECT TO HOWARD BROTHERS, INC. AS BID FOR \$509,730. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

PLEASE NOTE: Legislator Fish requested to comment for the record that he knows that other Tribes have criteria and different formulas that they use for ensuring contracts are given to local Contractors and employees of individuals throughout the Reservation. For the last five (5) years he brought up that the Tribe should be looking at that criteria during the bidding process to ensure to maximum amount of local Contractors are given consideration, and the majority of employees under those Contractor's should be Tribal members. He stated a couple of Administration's stated they were going to review that, but it's never occurred. We need to set that as a priority, because it's important that as much money stays here as possible. Without addressing this issue each year, we're just allowing millions and millions of dollars to slip through our hands, and go out wherever.

Legislator Boivin informed MTL that the Governmental Affairs Committee has been working on an Ordinance that would be similar to have complimented Ordinance 82-10 where Menominee Indian Contractors would be allowed additional preferences, which would create those extra jobs for our people. That Ordinance will be coming forth for first consideration very soon.

8. Bid Recommendation for the Technical Services/Aeration Equipment.

MOTION BY EUGENE CALDWELL TO APPROVE THE BID EVALUATION TEAMS RECOMMENDATION TO AWARD THE TECHNICAL SERVICES AND AERATION EQUIPMENT SUPPLIER TO ENVIRONMENTAL DYNAMICS, INC. AS BID FOR \$68,091.00 CONTINGENT UPON THE APPROVAL OF INDIAN HEALTH SERVICE AND USDA. SECOND WAS MADE BY RANDAL CHEVALIER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

9. Forest Management Plan Revision Status Updates - Christopher Caldwell.

Trust Resources Director, Christopher Caldwell shared with the Legislature an outline on the status of the current FMP as of January 21st. He stated today the Workgroup met with the Technical Review Forest Service Liaison to review the documents that his Forest Service Personnel Team comments on where the Plan is still lacking and where it requires additional clarification. They are on schedule with the timeline, but still waiting on two (2) issues to be discussed. He stated that Marshall Pecore and he would respectfully update our elected Officials on the revisions to the FMP. Once the Technical comments are received, they need to have a "Public Comment" period. They plan to continue to ask for a joint meeting with Menominee Tribal Enterprises (MTE). He also presented the Legislature with a draft Resolution that he requested to be approved.

Chairman Waukau informed Mr. Caldwell that the Legislature would take that Resolution up under "Other Business." She also informed the Legislature that she did send a letter to MTE requesting that meeting, and the response she received back was that they opted not to honor our request until the Board of Director's work out their issues amongst themselves until they agree to a joint meeting. She recommended that the Legislature allow her to send out another letter tomorrow and inform MTE that they are on very tight time constraints, and the Tribe will not ask for another extension on this, because this Plan needs to be approved by the end of December.

Legislator Alegria requested that a General Council along with all Workgroup participates be held in lieu of the Public Comment period, because a lot of Elder's have requested that.

Legislator Fish requested to comment for the record that the Tribe had to ask the Bureau for a five (5) year extension in 2005. He suggested that Chris Caldwell send monthly updates to the President and every Board member to expedite the process.

MOTION BY RANDAL CHEVALIER TO HAVE THE MENOMINEE TRIBAL LEGISLATURE (MTL) CHAIRMAN CONTACT THE MENOMINEE TRIBAL ENTERPRISES (MTE) CHAIR TO SET UP A JOINT MEETING IN FEBRUARY TO DISCUSS THE FOREST MANAGEMENT PLAN (FMP). SECOND WAS MADE BY EUGENE CALDWELL. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

MOTION BY KENNETH FISH TO HAVE THE TRUST RESOURCES DEPARTMENT SEND THE UPDATED INFORMATION ON THE FOREST MANAGEMENT PLAN (FMP) TO EACH AND EVERY MENOMINEE TRIBAL ENTERPRISES (MTE) BOARD MEMBER. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

10. Use of Tribal Land by Non-Tribal Members Pursuant to Art. XI, Section 2(d) (Cemetery) - Tribal Attorney William Kussel Jr.

Tribal Attorney, William Kussel updated the Legislature on Article XI regarding the geographical boundaries of the 1854 Treaty for reference to a cemetery.

Legislator Boivin requested to comment for the record that this has been going on since 2003 when she first became a Legislator. This issue came forward from Community Development, and we need to honor the agreement made between the Church and the Tribe as Lew Boyd stated. What are we going to start doing with our people? I believe that we should let them have a final resting place. The site has been finished and it has met all the testing limits. There is \$48,000 budget to survey land for cemetery plot, so lets get it done.

Legislator D. Miller requested to comment for the record that he doesn't believe it had to do with relatives and family that would not be eligible. He thought it was kind of specifically aimed at the non-Native community that inhabits our lake area. Can they just come up if they rent a lot and say they're a member of that Church, and want to be buried in that cemetery? That is the question.

Legislator Chevalier requested to comment for the record that he believes it's ridiculous that we're considering a burial place under the use of land policy. He doesn't believe that is what it was intended for. It's a place to get buried! It's not use of land like renting it or leasing it out to somebody.

MOTION BY MYRNA WARRINGTON THAT THE CEMETERY ISSUE GO BACK TO COMMUNITY DEVELOPMENT COMMITTEE TO FINALIZE AND COME BACK HERE, AND ALSO TO BUDGET AND FINANCE COMMITTEE TO ALLOCATE THE MONEY NECESSARY FOR THE SURVEY TO DEVELOP THE LAND FOR THE CEMETERY. SECOND WAS MADE BY RANDAL CHEVALIER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

MOTION BY EUGENE CALDWELL TO REJECT THE MEMO FROM THE DIRECTOR OF LEGAL SERVICES DATED JANUARY 29, 2010 AS IRRELEVANT. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

11. Menominee Conservation Commission Recommendation of January 19, 2010 - Approval of Lake Sturgeon/Fishing Regulations.

Legislator Fish commented that just to follow up on the transportation tag, he knows that the Tribe was supposed to work with DNR in terms of honoring our tagging system, and not follow through with State's tagging system. He is requesting that the Tribe continues to pursue this issue. Where it talks about allowable harvest of 100 Lake Sturgeon, it says that when it reaches 90%, it shuts down. We need to on an annual basis, or whenever renew these regulations to see those population counts. In terms of biological reports for those populations, we as a Legislature can review that on an annual basis so that we can ensure that there's not a depletion. He stated that the Commission probably waived that information, but it's not here before the Legislature, and believes the Commission has done that. He is just requesting that information be a part of any request for changes so that we know what those counts are. He knows that we don't get them on other species, and the Commission don't get them totally on other species, but he thinks that if we're going to regulate fishing by tribal members, then we should know what those population counts are so that we can make an informed, educated decision so that we're not depriving a tribal member when there's no need to deprive them of a larger catch.

Legislator Chevalier commented that it just seems like it would be better for the Commission and rule making in general regarding natural resources to go with non-expiring regulations. He believes that the Legislature is working on issues with

regards to the Conservation Commission; this form of regulating is not constitutional the way that the Commission brings this information forward. He stated he'll be abstaining from approving these regulations for that reason.

MOTION BY DAVID MILLER TO APPROVE THE 2010-2012 MENOMINEE INDIAN TRIBE FISHING REGULATIONS AS STATED BY THE CONSERVATION COMMISSION WITH CORRECTIONS. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 5 FOR, 1 OPPOSED (BOIVIN), 2 ABSTENTIONS (CALDWELL & CHEVALIER), AND 0 ABSENT.

PLEASE NOTE: Legislator Boivin qualified her opposition as follows: *"I don't think we should remove the tagging provisions, because I feel the tags help with the accountability of the Lake Sturgeon as a guidance in a proposed harvest."*

Legislator Chevalier did not qualify his abstention.

Legislator Caldwell did not qualify his abstention.

12. Resolution No. 09-__ Resolution for the Approval of Changes to the Transportation Improvement Plan (TIP) for the Menominee Indian Tribe of Wisconsin.

MOTION BY RANDAL CHEVALIER FOR ADOPTION OF RESOLUTION NO. 09-90 MENOMINEE INDIAN TRIBE OF WISCONSIN RESOLUTION FOR THE APPROVAL OF CHANGES TO THE TRANSPORTATION IMPROVEMENT PLAN (TIP) FOR THE MENOMINEE INDIAN TRIBE OF WISCONSIN WAIVE THE READING AND AUTHORIZE SIGNATURES WITH ADDITIONAL *WHEREAS (THAT THE TRIBE DOES NOT IN ANY WAY WAIVE ITS RIGHT TO GOVERN ITS OWN LAND)*. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

13. Other Business: Matters of an Immediate Nature that Cannot Wait Until the Next Meeting.

MOTION BY RANDAL CHEVALIER TO ENTERTAIN THE FOLLOWING UNDER "OTHER BUSINESS: MATTERS OF AN IMMEDIATE NATURE THAT CANNOT WAIT UNTIL THE NEXT MEETING:" - 1) RESOLUTION NO. 09-91 (*REQUEST BIA - BRANCH OF FOREST RESOURCE PLANNING TO CONDUCT A FOREST INVENTORY ANALYSIS FOR 1999 MENOMINEE CONTINUOUS FOREST INVENTORY DATA*); 2) THE REQUEST FOR ASSISTANCE FOR THE CHEYENNE RIVER SIOUX TRIBE; & 3) THE REQUEST TO ZOAR FIRE STATION AND THE WOODLAND BOYS & GIRLS CLUB. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

- 1) Resolution No. 09-91 (*Request BIA – Branch of Forest Resource Planning to Conduct a Forest Inventory Analysis for 1999 Menominee Continuous Forest Inventory Data*);

MOTION BY KENNETH FISH FOR APPROVAL OF RESOLUTION NO. 09-91 (*REQUEST BIA - BRANCH OF FOREST RESOURCE PLANNING TO CONDUCT A FOREST INVENTORY ANALYSIS FOR 1999 MENOMINEE CONTINUOUS FOREST INVENTORY DATA*), AND WAIVE THE READING, AND AUTHORIZE THE CHAIR AND SECRETARY TO SIGN. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 1 OPPOSED (CHEVALIER), 0 ABSTENTIONS, AND 0 ABSENT.

PLEASE NOTE: Legislator Chevalier qualified his opposition as follows: *"I'm opposed, because I don't think it's of immediate nature, and I feel that the Tribal Forestry Committee should have had the opportunity to take some time to really evaluate this issue."*

- 2) The Request for Assistance for the Cheyenne River Sioux Tribe; &

MOTION BY KENNETH FISH THAT WE ASSIGN REBECCA ALEGRIA AND RANDAL CHEVALIER TO COORDINATE THROUGH THE CHAIRMAN'S OFFICE TO PUT TOGETHER A LIST OF GOODS AND SERVICES AND APPROPRIATE \$10,000 (FROM THE CHAIRMAN'S BUDGET), AND ARRANGE WITH RICHIE PLASS TO BRING A SEMI OUT THERE, AND COORDINATE EFFORTS THROUGH THE CHAIRMAN'S OFFICE. SECOND WAS MADE BY RANDAL CHEVALIER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

MOTION BY EUGENE CALDWELL TO AMEND THE MOTION TO REFLECT \$2,000 FROM THE CHAIRMAN'S

BUDGET. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

An elderly Tribal member requested assistance with help for heating her residence, because she is still without her woodstove in her Housing Unit and lives on a monthly fixed income.

MOTION BY LAURIE BOIVIN THAT THE LEGISLATURE DIRECTS THE DEPARTMENT OF ADMINISTRATION TO WORK WITH THE HOUSING DIRECTOR TO SET UP THE APPROPRIATE PLAN THAT WILL TAKE CARE OF THE INDIVIDUALS WHOSE WOODSTOVES HAVE BEEN REMOVED DURING THE HEATING SEASON TO PROVIDE A SUBSIDY FOR THE ALTERNATIVE HEAT THAT THEY'RE HAVING TO PAY FOR DURING THE WINTER IMMEDIATELY. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

3) The Request to Zoar Fire Station and the Woodland Boys & Girls Club.

MOTION BY EUGENE CALDWELL TO HAVE TRIBAL ADMINISTRATION DEVELOP AN ORDINANCE IN THE AMOUNT OF \$147,000 (FROM TRIBAL RESERVES) TO BRING BACK TO THE NEXT LEGISLATURE MEETING FUNDS FOR THE WOODLAND BOYS & GIRLS CLUB (\$57,000), AND THE ZOAR FIRE STATION (\$90,000). SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

14. 1st Consideration of Amendment to Ordinance 97-13 All Terrain Vehicle Regulations (*Sponsored by Legislator's Fish & Caldwell*).

MOTION BY KENNETH FISH FOR 1ST CONSIDERATION PASSAGE OF AMENDMENT TO ORDINANCE NO. 97-13 ALL TERRAIN VEHICLE REGULATIONS AND SEND OR MOVE IT TO PUBLIC HEARING ON FEBRUARY 18, 2010 AT 4:30 P.M. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

15. 1st Consideration of Ordinance No. 09-32 Declaration of State of Emergency. (*Sponsored by Legislator's Fish & Caldwell*).

MOTION BY KENNETH FISH FOR THE PASSAGE OF (1ST CONSIDERATION OF MENOMINEE NATION MENOMINEE TRIBAL LEGISLATURE) ORDINANCE NO. 09-32 DECLARATION OF STATE OF EMERGENCY, AND MOVE IT TO PUBLIC HEARING ON FEBRUARY 18, 2010 AT 4:30 P.M. SECOND WAS MADE BY EUGENE CALDWELL. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

16. 1st Consideration of Ordinance No. 09-___ Menominee Occupational Safety & Health. (*Sponsored by Legislator's Boivin & Chevalier*).

MOTION BY LAURIE BOIVIN FOR APPROVAL OF 1ST CONSIDERATION OF MENOMINEE NATION MENOMINEE TRIBAL LEGISLATURE ORDINANCE NO. 09-21 MENOMINEE OCCUPATIONAL SAFETY AND HEALTH, AND MOVE IT TO PUBLIC HEARING ON FEBRUARY 18, 2010 AT 4:30 P.M. SECOND WAS MADE BY RANDAL CHEVALIER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

17. 1st Consideration of Ordinance No. 09-___ Fiscal Year 2010 Kenosha Gaming Authority Budget.

MOTION BY LAURIE BOIVIN FOR 1ST CONSIDERATION OF MENOMINEE NATION MENOMINEE TRIBAL LEGISLATURE ORDINANCE NO. 09-33 FISCAL YEAR 2010 KENOSHA GAMING AUTHORITY BUDGET, AND MOVE FOR PUBLIC HEARING ON FEBRUARY 18, 2010 AT 4:30 P.M. SECOND WAS MADE BY EUGENE CALDWELL. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

Legislator Fish requested to comment for the record that the Legislature is aware, and he will support the first reading tonight. This is an awful sum of money that we're looking at approving that's going to be coming out of Contingency and has some issues in terms of, what are the strategies? He thinks that's going to be critically important in his decision whether to support a final approval of this Ordinance. What are the strategies for obtaining this turn around on our bureau denial on the application? That's going to be critically important for him. In addition, he believes that the Legislature should be conducting a General

Council in getting some feedback on this expenditure, because if we look at the past couple years; we spent a huge amount of money on this issue. He would feel more comfortable to have the Menominee People's support on such an appropriation.

Legislator Chevalier requested to comment for the record that he will support the first reading on this appropriation, but would request as much details (the full picture) of where we stand with this, because he doesn't know where that's at. He would like to have a very detailed budget as possible, or just an explanation of where we are at.

18. Final Approval of Ordinance No. 09-31 Menominee Indian Economic Development Authority. (*Sponsored by Legislator's Boivin & Chevalier*).

MOTION BY LAURIE BOIVIN TO TABLE FINAL APPROVAL OF ORDINANCE NO. 09-31 MENOMINEE INDIAN ECONOMIC DEVELOPMENT AUTHORITY DUE TO PUBLIC COMMENT. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

19. Travel Authorization Requests.

MOTION BY RANDAL CHEVALIER TO APPROVE TRAVEL FOR: 1) THE WISCONSIN TRIBAL LEADERS INDIGENOUS GAMES UPDATE ON FEBRUARY 11, 2010 IN CARTER, WI FOR LEGISLATOR REBECCA ALEGRIA; 2) THE WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION - TRIBAL EDUCATION SUMMIT ON FEBRUARY 16, 2010 IN MADISON, WI FOR LEGISLATOR REBECCA ALEGRIA AND LEGISLATOR LYNNETTE MILLER; 3) THE WISCONSIN INDIAN EDUCATION ASSOCIATION LEGISLATIVE BREAKFAST ON FEBRUARY 17, 2010 IN MADISON, WI FOR LEGISLATOR REBECCA ALEGRIA, LEGISLATOR LYNNETTE MILLER, AND LEGISLATOR MYRNA WARRINGTON; & 4) FOR THE TRIBAL CHAIRMAN TO ATTEND THE G.L.I.T.C. MEETING ON FEBRUARY 23, 2010 AND ON FEBRUARY 24, 2010 FOR THE TRIBAL CHAIRMAN, LEGISLATOR KENNETH FISH, LEGISLATOR BRUCE PECORE, LEGISLATOR RANDAL CHEVALIER, LEGISLATOR REBECCA ALEGRIA, LEGISLATOR LYNNETTE MILLER, AND LEGISLATOR MYRNA WARRINGTON TO ATTEND STATE OF THE TRIBAL NATIONS ADDRESS IN MADISON, WI. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 1 ABSTENTIONS (CALDWELL), AND 0 ABSENT.

PLEASE NOTE: Legislator Caldwell did not qualify his abstention.

20. Committee Reports & Recommendations.

a. Governmental Affairs Committee of January 14, 2010

i. Request Approval of the Tribal Health & Safety Ordinance.

MOOT - Previously taken up under agenda item number 16.

b. Enforcement and Resource Protection Committee of January 20, 2010.

i. Request Approval of Gypsy Moth Spray Blocks;

MOTION BY KENNETH FISH TO CONCUR WITH THE ENFORCEMENT AND RESOURCE PROTECTION COMMITTEE OF JANUARY 20, 2010 TO RECOMMEND TO THE LEGISLATURE TO APPROVE THE GYPSY MOTH SPRAY BLOCKS FOR MENOMINEE COUNTY - MENOMINEE INDIAN RESERVATION THAT WILL BE CONDUCTED MAY 20 - JUNE 1, 2010. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

ii. Request Approval of Amendment to ATV Ordinance No. 97-13;

MOOT - Previously taken up under agenda item number 14.

iii. Request Approval of 1st Consideration of State of Emergency Ordinance.

MOOT - Previously taken up under agenda item number 15.

c. Tribal Forestry Committee of January 26, 2010.

i. Request Approval of Invasive Species - Gypsy Moth Spraying;

MOTION BY RANDAL CHEVALIER TO CONCUR WITH THE TRIBAL FORESTRY COMMITTEE OF JANUARY 26, 2010 TO RECOMMEND TO THE LEGISLATURE TO APPROVE THE INVASIVE SPECIES – GYPSY MOTH SPRAYING. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

ii. Request to Forward the Question on Sustained Yield Land Requirements;

MOTION BY RANDAL CHEVALIER TO CONCUR WITH THE TRIBAL FORESTRY COMMITTEE OF JANUARY 26, 2010 TO RECOMMEND TO THE LEGISLATURE TO FORWARD THE QUESTION ON SUSTAINED YIELD LAND REQUIREMENTS AND TO INCLUDE CHRISTOPHER CALDWELL’S RESEARCH MEMO. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

iii. Request a Draft Letter Required by Ordinance No. 02-22; &

MOTION BY RANDAL CHEVALIER TO CONCUR WITH THE TRIBAL FORESTRY COMMITTEE OF JANUARY 26, 2010 TO MOVE FORWARD WITH THE DRAFT LETTER AS REQUIRED ON ORDINANCE 02-22 TO THE LEGISLATURE FOR APPROVAL. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

iv. Request Tribal Attorney to Move with Firewood Ordinance.

MOTION BY RANDAL CHEVALIER TO CONCUR WITH THE TRIBAL FORESTRY COMMITTEE OF JANUARY 26, 2010 TO RECOMMEND TO THE LEGISLATURE TO REQUEST THE TRIBAL ATTORNEY TO MOVE FORWARD QUICKLY WITH THE FIREWOOD ORDINANCE. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

21. *As per LRP 5.03 - EXECUTIVE SESSION:* (A) Legal - 1) Business Lease Agreement; 2) Economic Development Updates; 3) MITW vs. MTE Updates; & 4) MTE Updates; (B) Personnel; & (C) Gaming.

MOTION BY EUGENE CALDWELL TO GO INTO EXECUTIVE SESSION. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

PLEASE NOTE: Legislator L. Miller was excused from the meeting due to the updates on MTE to avoid any potential conflict of interest.

*****EXECUTIVE SESSION WAS NOT RECORDED*****

MOTION BY MYRNA WARRINGTON TO COME OUT OF EXECUTIVE SESSION. SECOND WAS MADE BY EUGENE CALDWELL. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (L. MILLER).

(A) Legal

1) Business Lease Agreement;

MOTION BY MYRNA WARRINGTON TO APPROVE AN ADDENDUM TO THE DYAN NICKEY LEASE FOR THE STANDING PINES RETAIL CENTER TO EXTEND THE DEADLINE DATE FOR LEASE PAYMENT FOR ONE (1) YEAR TO FEBRUARY 8, 2011 OR UPON OCCUPANCY, WHICH EVER COMES FIRST, AND TO REQUEST A PROGRESS REPORT TO THE MENOMINEE TRIBAL LEGISLATURE ON AUGUST 8, 2010. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (L. MILLER).

2) Economic Development Updates;

MOTION BY KENNETH FISH THAT THE MENOMINEE TRIBAL LEGISLATURE DESIGNATE THE TUCKER PROPERTY THAT'S LOCATED BY THE MENOMINEE INDIAN HIGH SCHOOL AS THE FUTURE GROCERY STORE SITE. SECOND WAS MADE BY EUGENE CALDWELL. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (L. MILLER).

MOTION BY KENNETH FISH TO RESCIND THE SALE OF ALCOHOL AT THE PROPOSED GROCERY STORE SITE. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (L. MILLER).

MOTION BY MYRNA WARRINGTON TO AUTHORIZE A VISIT TO MEAT PROCESSORS INCORPORATED FOR LEGISLATOR'S KENNETH FISH, BRUCE PECORE, AND LAURIE BOIVIN ON FEBRUARY 18, 2010 IN GREEN BAY, WISCONSIN. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (L. MILLER).

PROPRIETARY MOTION BY KENNETH FISH. SECOND WAS MADE BY EUGENE CALDWELL. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (L. MILLER).

3) MITW vs. MTE Updates; &

MOTION BY KENNETH FISH TO ALLOW THE DEPARTMENT OF LEGAL SERVICES TO HANDLE ALL PROCEDURAL MATTERS ON SUIT AGAINST THE MENOMINEE TRIBAL ENTERPRISES (MTE) IN REGARDS TO TRIBAL ORDINANCE 02-22. SECOND WAS MADE BY RANDAL CHEVALIER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (L. MILLER).

4) MTE Updates;

There was no motion made after coming out of Executive Session.

(B) Personnel; &

There was no motion made after coming out of Executive Session.

(C) Gaming.

There was no motion made after coming out of Executive Session.

MOTION BY RANDAL CHEVALIER TO GO PAST THE 10:00 P.M. RULE. SECOND WAS MADE BY EUGENE CALDWELL. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (L. MILLER).

22. Adjournment.

MOTION BY EUGENE CALDWELL/ LAURIE BOIVIN TO ADJOURN. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (L. MILLER).

Meeting Adjourned at 11:40 PM

Respectively submitted by,



Debra A. Bowman, Recorder/Transcriber
EXECUTIVE SECRETARY, CHAIRMAN'S OFFICE